

REMARKS

In response to the Office Action of February 4, 2000, claims 1-6, 8, 9, 12, 13 and 16 have been amended; claims 17-20 have been canceled without prejudice; and claims 21-25 have been added. Claims 1-16 and 21-25 are pending in this application. Reexamination and reconsideration of the application, as amended, are requested.

Before addressing the substantive issues raised by the Examiner in the initial Office Action, Applicants would like to outline the environment in which the present invention was conceived. For years, clamps have been used in exhaust systems to either: 1) provide a lap-joint sealing function; or 2) provide a connecting function. For example, a typical U-bolt is used to connect pipes to a vehicle, while separate clamps (e.g., band or strap clamps) are used to seal lap joints formed between the pipes. Unlike the prior art of which Applicants are aware, the present invention is capable of both sealing a lap joint and connecting pipes to a vehicle. This assists in reducing exhaust system costs by reducing the total number of clamps used in a given system, and by reducing installation times.

In the initial Office Action, claim 7 was rejected under 35 USC §112 as being indefinite. This rejection is respectfully traversed. Based upon the specification (e.g., see page 6, lines 26-28) and the drawings (e.g., see Figs 1 and 7) it is clear that "double saddle" means a saddle member having two saddle plates. Thus, withdrawal of the rejection is respectfully requested.

In the initial Office Action, claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,143,844 to Van Meter; U.S. Patent No. 4,930,732 to Hardtke; Canadian Patent No. 656,476; or German Patent No. 1,113,615. These rejections are respectfully traversed, but in the interest of expediting prosecution, claim 1 has been amended to clarify what Applicants believe to be their invention.

Claim 1, as amended, recites that the at least one shim forms substantially a full cylinder at least when the saddle member and the U-bolt are drawn together. The substantial full cylinder allows the U-bolt to seal a lap joint. No such structure is shown by the prior art relied upon by the Examiner. For example, the shims of the '844 and '732 patents form at most half-cylinders.

Additionally, the shims of the '476 and '615 patents define large gaps for allowing connections to laterally extending pipes.


In view of the above, it is submitted that claim 1 is in immediate condition for allowance.

Further, claims 2-8 depend upon and further limit allowable claim 1. Thus, such claims are also in immediate condition for allowance based upon their dependence on claim 1. In addition, such claims recite subject matter that is patentable on its own weight. For example, none of the prior art of record in the present application teaches or suggests using shims forming substantial half-cylinders that are secured to the U-bolt and the saddle member, as recited by claim 8.

Claims 9-16 were objected to by the Examiner, but indicated to relate to allowable subject matter. To overcome the objection, claims 9, 12, 13 and 16 have been re-written in independent form including limitations similar to those originally recited in base claim 1 and in intervening claim 8. Thus, it is submitted that claims 9, 12, 13 and 16 are in immediate condition for allowance. For at least the same reasons, claims 10 and 11 that depend from claim 9 and claims 14 and 15 that depend from claim 13 are also in immediate condition for allowance.

In reviewing the claims, it is noted that claim 16 actually reads on the non-elected embodiment of Figures 13-16. However, since this claim depends from an allowable generic claim, it is submitted that no restriction is required.

New claim 21 relates to a clamp including: a saddle member having a concave saddle portion; a U-bolt mounted on the saddle member, the U-bolt having a concave portion oriented opposed to the saddle member concave saddle portion; a first curved shim secured to the saddle member concave saddle portion, the first curved shim being made of metal; a second curved shim secured to the U-bolt concave portion, the second shim being made of metal, and the first curved shim having a concave side opposed to a concave side of the second curved shim; and the first curved shim covering at least a central, mid-region of the concave saddle portion. None of the prior art of record in the present application, either alone or in reasonable combination, teaches or suggests the novel and non-obvious combination of elements recited by claim 21. For example, while references such as the '476 and '615 patents arguably have concave saddle portions, these references clearly do not include shims that cover at least mid-regions of the concave saddle



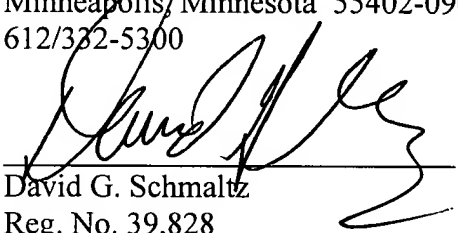
portions. Instead, gaps are provided at the mid-regions for allowing fluid communication with a pipe or other conduit.

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and timely allowance of the pending claims. Please direct any inquiries concerning this application to the undersigned attorney at (612) 336-4617.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
612/332-5300

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David G. Schmaltz
Reg. No. 39,828